

Opening Statement of the Honorable Greg Walden
Subcommittee on Communications and Technology
Markup of the DOTCOM Act
June 10, 2015

(As Prepared for Delivery)

From the day that the administration announced the intent to transition the IANA functions, this subcommittee has been committed to oversight of the transition process and ensuring that there are appropriate safeguards in place to improve the odds of a successful transition and preserve the Internet we are all committed to protecting. Since that time, we have held multiple hearings on this topic and heard many perspectives. We passed the original DOTCOM Act out of the full committee more than a year ago, a bill that would have required NTIA to pause until for one year while GAO completed a report. Though there was disagreement about the bill's approach at the time, over the past year, we have continued our examination of this issue and remained committed to finding a workable solution.

At our May hearing on the IANA transition, all of the witnesses were in agreement that there is a role for Congress to play in the transition. Exercising our oversight of NTIA, we have the ability to ensure that any transition proposal is fully vetted and that a robust discussion takes place prior to the hand-off of the IANA functions. While NTIA works within its proper role in the multi-stakeholder model, we too are working within our proper role as oversight authority.

Given the feedback from our hearings, and through productive negotiations with our Democratic counterparts, we have formulated a bipartisan piece of legislation that acknowledges Congressional oversight while respecting the multi-stakeholder community's process. The substitute amendment we are considering today is a sensible and responsible path forward.

We continue to have a strong interest in avoiding the potentially harmful outcomes of this transition, and this is an important step toward that goal. In addition to this legislation, last year we asked GAO to complete a report on the impact of the proposed transition. Specifically, we requested that they look at risks associated with the transition, commitments that exist in the current ICANN contract, and any additional criteria that NTIA should consider when evaluating the proposal. We look forward to reviewing that report later this summer, and hope to see their findings considered as part of the transition process.

Throughout this process, we have done our best to be cognizant of the impact and appearance of our actions on the international stage. We recognize these considerations, but we also feel it would be irresponsible to ignore the very real risks associated with a relinquishment of the U.S. role in Internet governance, no matter how symbolic. This is why we have taken the measured approach we will discuss today.

NTIA put forward a set of criteria that they say any acceptable transition proposal must meet, all of which are essential to ensuring a vibrant Internet should NTIA transition IANA to the multi-stakeholder community. NTIA should be applauded for this, and for its willingness to stick to these criteria despite the difficulty in meeting them. Our goal through this legislation and our efforts in the subcommittee is to ensure that these conditions are met and that the myriad unforeseen complications are addressed.

In addition to the original four criteria, NTIA added the requirement that ICANN must improve its accountability to the Internet community. This bill addresses this by requiring NTIA to certify that the changes put forth by the multi-stakeholder accountability group have been implemented. A strong and accountable governing body is a necessary prerequisite for a tenable long-term successor to the U.S. governments' stewardship.

I believe that if it is signed into law by the president, this bipartisan legislation represents an alternative to a funds limitation that would achieve our shared goal: preventing harm to the Internet as we know it. Ensuring an oversight role for Congress adds another check to this process, and emphasizes that the

United States takes this transition seriously. I thank my Democratic colleagues for working with us and Mr. Shimkus for his tireless and thoughtful work on this issue for the last year.

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